

REMARKS

The present communication is responsive to the Official Action mailed January 15, 2003. A petition for a three-month extension of the term for response to said Official Action, to and including July 15, 2003, is transmitted herewith.

In the Official Action, the Examiner indicated that the Information Disclosure Statement (IDS) filed by the applicants on May 10, 2001, failed to comply with 37 C.F.R. § 1.98(a)(2) because applicants did not provide copies of the references listed in the IDS. As applicants stated at the time of filing the IDS, the listed references were all of record in U.S. Patent Application Serial No. 09/200,099, and the present application is a division of the '099 application, the benefit of which is claimed under 35 U.S.C. § 120. Thus, pursuant to 37 C.F.R. § 1.98(d)(2), applicants respectfully believed that copies of the references need not be provided, because the "earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120." Therefore, applicants again respectfully request that the listed references be made of record and considered by the Examiner. As a courtesy to the Examiner, and if the Examiner requests, applicants will provide copies of the references subsequently hereto. In this regard, applicants respectfully request that the Examiner contact the undersigned to request such copies.

Concurrent herewith, applicants also submit another IDS, pursuant to 37 C.F.R. § 1.97(c). The accompanying Form PTO-1449 lists seven patents and the specification for pending

U.S. Patent Application Serial No. 09/988,941, which is assigned to the assignee of the present application. References AC through AG on said Form PTO-1449 were of record in the '941 application.

The Examiner objected to the title of the invention for being "not descriptive." In response thereto, applicants have amended the specification to now include the following title: METHOD FOR FABRICATING A FERROMAGNETIC PLATE.

The Examiner objected to claim 44, the lone pending claim, for recital of "a oppositely directed major surfaces." Applicants have amended claim 44 to now recite "cutting a starting plate having oppositely directed major surfaces." Thus, applicants have amended the claim by eliminating "a." Applicants respectfully submit that this amendment adds no new matter to the disclosure, and support for this claim amendment can be found in paragraph [0101].

The Examiner rejected claim 44 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claiming the subject matter that applicants regard as the invention. In particular, the Examiner asserted that the limitation "'each strip' in line 8" and "'major surfaces' in line 11" rendered the claim vague and indefinite. Claim 44 has been amended to now recite "each of said cut strips having a width greater than the thickness of the starting plate and equal to the thickness of the plate to be fabricated, whereby each of said cut strips has faces which originally constituted parts of the major surfaces of the starting plate." Applicants respectfully submit that claim 44, as amended, is clear and unambiguous, and particularly points and distinctly claim that which applicants

regard as the invention. Applicants respectfully submit that these amendments do not add new matter to the disclosure.

The Examiner also rejected claim 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,671,526 to *Merlano* (hereinafter "*Merlano*"). The Examiner asserts that *Merlano* teaches a method "of preparing transformer cores including the steps of: cutting a starting plate having oppositely directed surfaces and thickness [between] such surfaces into strips, each strip having a width greater than the thickness of the starting plate and equal to the thickness of the plate to be fabricated and stacking the strips abutting one another as [is] shown in Fig. [sic] 1-4, 16 and 17 (col. 3, lines 3-18 and 61-64, col. 4, lines 60-64, and col. 5, lines 31-41)." In a nutshell, the Examiner asserts that *Merlano* teaches each and every limitation recited in claim 44.

Applicants respectfully traverse the Examiner's rejection. To begin with, *Merlano* does not disclose "cutting a starting plate having oppositely directed major surfaces and a thickness between such surfaces into strips." *Merlano*'s process begins with strips. To wit, "[t]he core strip 11 having a length L equal to the height of the core, enters the machine and progressively passes through the various stations A, B, C, D, F, G at discontinuous feed." (*Merlano*, col. 4, lns. 61-64.) The core strip 11 enters the machine and is then drilled, punched and stacked. (*Id.*, col. 4, ln. 65 to col. 5, ln. 12.) Thus, *Merlano*'s process is opposite to the claimed combination. X

In addition, assuming *arguendo* that *Merlano* disclosed a plate, *Merlano* absolutely does not teach "each of

said cut strip having a width greater than the thickness of the starting plate and equal to the thickness of the plate to be fabricated." The thickness of the strips remain constant during *Merlano's* process. Thus, the thickness of the resulting strips could not be greater than the thickness of the starting plate (which is really the strip itself). In addition, the thickness of each strip is certainly not equal to the thickness of the E-shaped, I-shaped or U-shaped laminations 1, 2 or 13, respectively. In fact, the thickness of the laminations 1, 2 and 13 is equal to thickness of each strip times the number of strips that are stacked to form the laminated structure. This is completely opposite to what is recited in claim 44.

Therefore, claim 44 is not anticipated by *Merlano* because *Merlano* never teaches obtaining strips from a plate, and the strips in *Merlano* are not equal to the thickness of the structure and the plate to be fabricated.

The Examiner listed, but did not rely on U.S. Patent Nos. 6,226,856 to *Kazama et al.*; 5,862,579 to *Blumberg*; 5,654,603 to *Sung et al.*; and 5,315,244 to *Griebeler et al.* Applicants respectfully submit that none of these references disclose or teach "each of said cut strip having a width greater than the thickness of the starting plate and equal to the thickness of the plate to be fabricated." In fact, like *Merlano*, in each of these references, the fabricated structure's thickness is a multiple of the thickness of the strips that are stacked to form the structure. Thus, these references anticipate claim 44. In addition, these references cannot be combined in a manner so as to obviate the present claim.

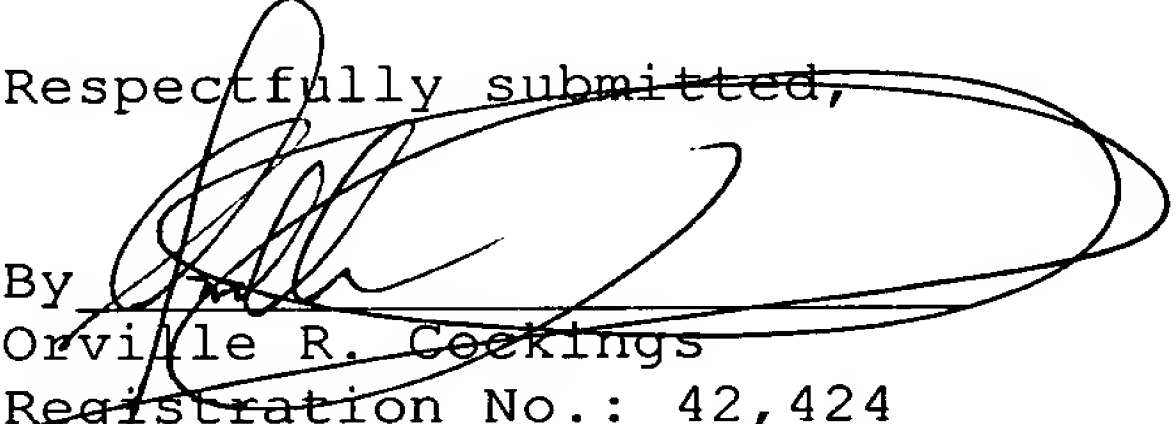
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited of claim 44.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 11, 2003

Respectfully submitted,

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